

Don D. Buchwald  
KELLEY DRYE & WARREN LLP  
101 Park Avenue  
New York, New York 10178  
Telephone: (212) 808-5147  
Facsimile: (212) 808-7897  
dbuchwald@kelleydrye.com

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**UNITED STATES OF AMERICA,**

**-v-**

**RAYMOND CHRISTIAN, et al,**

**Defendants.**

12 Cr. 626 (ER)

**DEFENSE PRETRIAL MOTIONS ON BEHALF  
OF DEFENDANT GLENN THOMAS**

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**PRELIMINARY STATEMENT**

The Court has set a November 4th trial date in this case. The case centers almost entirely on the events of the early morning hours of December 15, 2010. At that time, it is alleged, Jeffrey Henry was shot during the attempted robbery of a drug den located at 54 Chambers Street, Newburgh, New York. All of the defendants are in custody.

**MOTIONS**

The following motions are made on behalf of defendant Glenn Thomas<sup>1</sup>:

1. We request notice of all 404(b) evidence by September 5, 2013 (60 days before trial). The Government has not indicated to date that it has any such evidence it intends to offer against Thomas and we are not aware of any. The September 5<sup>th</sup> date will give us adequate time to challenge the admissibility of any such proposed evidence and to plan appropriately for trial.

2. We request that Jencks Act material under 18 U.S.C. § 3500 be furnished to counsel by not later than Friday, October 4, 2013 at 4:00 p.m. The prosecutors have advised that they intend to request that no copies of Jencks Act material be left with clients at their places of confinement. (Mr. Thomas is incarcerated at Valhalla). Accordingly, defendant Thomas will only be able to review such materials in counsel's presence when counsel visits him at Valhalla. I will be away out of the country from October 19<sup>th</sup> through and including October 26<sup>th</sup>. Given the time commitment of counsel that will be necessary for Mr. Thomas himself to be able to review this material and meaningfully assist in his defense, we believe the setting of an October 4<sup>th</sup> date to be appropriate. We have chosen October 4<sup>th</sup>, a Friday, because it will provide us with an additional weekend to be able to review these important materials with our client.

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<sup>1</sup> At the May 10, 2013 status conference in this matter Your Honor set a June 28, 2013 date for the filing of defense motions. We had understood (or misunderstood) counsel for co-defendant Williams to be applying on behalf of all defendants for a two-week extension (to July 12, 2013) of that date. It appears, however, if I am reading Your Honor's endorsement of the Williams letter application (ECF 44) correctly, that the two-week extension applies only to defendant Williams. Accordingly, these motions are submitted on behalf of my client, defendant Glenn Thomas.

3. We request permission to defer *Bruton* motions until after the presently scheduled September 11, 2013 conference in this matter by which time it may be clearer which defendants are going to trial. We request that by the time of the September 11<sup>th</sup> conference, the Government disclose to us which, if any, statements of co-defendants made to agents of the government it intends to offer at a joint trial.

4. We respectfully join in and incorporate by reference any pre-trial motions made by or on behalf of co-defendants (including such motions as may hereafter be made by or on behalf of co-defendant Williams) to the extent that such motions would be applicable to our client, Glenn Thomas.

Respectfully submitted,



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Don D. Buchwald  
KELLEY DRYE & WARREN LLP  
*Attorneys for Defendant Glenn Thomas*  
101 Park Avenue  
New York, New York 10178  
Telephone: (212) 808-5147  
Facsimile: (212) 808-7897  
dbuchwald@kelleydrye.com

Dated: June 27, 2013

To: AUSA Andrew Bauer (via email and ECF)  
Defense Counsel (via ECF)